

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

GLORIA QUIMBEY, DECEASED, BY THE
PERSONAL REPRESENTATIVE FOR
THE WRONGFUL DEATH ESTATE,
JOHN FAURE,

Plaintiff,

v.

CIV 14-0559 KG/KBM

COMMUNITY HEALTH SYSTEMS
PROFESSIONAL SERVICES CORPORATION,
LAS CRUCES MEDICAL CENTER, LLC D/B/A
MOUNTAIN VIEW REGIONAL MEDICAL CENTER,

and

ACCOUNTABLE HEALTHCARE STAFFING,
INC., ACCOUNTABLE HEALTHCARE
HOLDINGS CORPORATION, MEDASSETS
WORKFORCE SOLUTIONS, RONALD LALONDE,

and

AFFILION, LLC AND DR. JOEL MICHAEL JONES,

Defendants.

ORDER FOLLOWING HEARING

THIS MATTER came before the Court for a hearing on March 3, 2017, on Plaintiff's Motion for Entry of Order Regarding Plaintiff's Request for Production Nos. 17 and 19 to Defendant Mountain View Regional Medical Center (*Doc. 272*), CHSPSC, LLC's Motion for Protective Order (*Doc. 274*), and CHSPSC, LLC's Second Motion for Protective Order and Motion to Quash Subpoena (*Doc. 316*). Having reviewed the

parties' submissions and the relevant law, and having heard arguments of counsel, the Court stated on the record its rulings and its rationale, and it incorporates such rationale herein.

Wherefore,

IT IS HEREBY ORDERED AS FOLLOWS:

1. Plaintiff's Motion for Entry of Order Regarding Plaintiff's Request for Production Nos. 17 and 19 to Defendant Mountain View Regional Medical Center (*Doc. 272*) **is granted in part and denied in part** as follows:
 - a. Defendant MVRMC must search for and produce to Plaintiff within 45 days from the entry of this Order, absent good cause shown for an extension:
 - i. Documents constituting the budget that was in effect at the time of the subject hospitalization of Gloria Quimbey.
 - ii. Any electronic correspondence to or from Willa Dixon, Kelly Clark, Denten Park, and Karen Anderson containing the search terms "Quimbey" or "Lalonde," regardless of date.
 - iii. Any electronic correspondence to or from Willa Dixon, Kelly Clark, Denten Park, and Karen Anderson during the calendar year 2012, which contain the following combinations of search terms:
 1. "patient" + "ratio" + "telemetry"
 2. "short" + "staff" + "telemetry"
 3. "short" + "staff" + "emergency/ED/ER"

4. "traveler" + "emergency/ED/ER"
 - b. Plaintiff is ordered to contribute \$10,000 towards MVRMC's cost of performing the ordered electronic searches.
 - c. The electronic documents produced as a result of this search must be accomplished pursuant to a protective order limiting the information's use to this case.
2. CHSPSC, LLC's Motion for Protective Order (*Doc. 274*) is **granted** subject to reexamination by the Court if the presiding judge denies CHSPSC's Motion for Summary Judgment (*Doc. 246*) or if it grants Plaintiff's request for relief under Fed. R. Civ. P. 56(d) (*Doc. 266*).
 3. CHSPSC, LLC's Second Motion for Protective Order and Motion to Quash Subpoena (*Doc. 316*) is **denied**, and Plaintiff will be permitted to depose William Hussey as a fact witness beyond the Court's previously scheduled discovery deadline of January 13, 2017.

IT IS SO ORDERED.



UNITED STATES CHIEF MAGISTRATE JUDGE